

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 1506-VU-06 FILING DATE:
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 4/30/15

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:
PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Jeff Kellich TELEPHONE: 317-710-3989
ADDRESS: 25710 Devaney Rd Arcadia, IN 46030 EMAIL: jeffk@carmelturfcare.com
PROPERTY OWNER'S NAME: Pettijohn & Banks, Inc TELEPHONE:
ADDRESS: 14939 Ditch Road EMAIL:
Westfield, IN 46074
REPRESENTATIVE'S NAME: TELEPHONE:
COMPANY: EMAIL:
ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14939 Ditch Road, Westfield, IN 46074
COUNTY PARCEL ID #(S): 08-09-15-00-00-013.000
EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S):

VARIANCE REQUEST

[X] VARIANCE OF LAND USE CODE CITATION:
[] VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION:

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): To operate a full Lawn & Landscape business on property.



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

[Signature]
Applicant/Representative (signature)

Jeff Kolich
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 15 day of May, 2015.

State of Indiana, County of Hamilton, ss:



[Signature]
Notary Public Signature
Brenda C Kroeschen
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

[Signature]
Property Owner (signature)*

STANLEY E. BANKS JR.
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

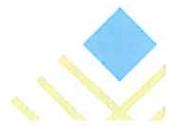
Witness my hand and Notarial Seal this 15 day of May, 2015.

State of Indiana, County of Hamilton, ss:



[Signature]
Notary Public Signature
Brenda C Kroeschen
Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: _____ PUBLIC HEARING DATE: _____

APPLICANT'S NAME: J & B Kelich Farms, LLC

REPRESENTATIVE'S NAME: Jeff Kelich COMPANY: _____

PROJECT TO BE KNOWN AS: _____

APPLICATION TYPE: CHANGE OF ZONING TEXT AMENDMENT COMMITMENTS PRIMARY PLAT
 DEVELOPMENT PLAN (SITE PLAN) BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 15 day of May, 2015, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the _____ day of _____, 20____, being at least ten (10) days prior the scheduled public hearing.

[Signature]
Applicant/Representative (signature)*

Jeff Kelich
Applicant/Representative (printed)

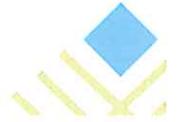
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 15 day of May, 2015.

State of Indiana, County of Hamilton, ss:

[Signature]
Notary Public Signature
Brenda C Kroeschen
Notary Public (printed)





FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: J & R Kelich Farms LLC DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: a Landscape Company / Nursery, promotes green industry

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: A Landscape Company is an improvement in appearance and helps improve the land

C. The need for the variance arises from some condition particular to the property involved because: Its a residential area with a commercial business use

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: It cant be used as a business to sell

E. The varianace of use does not interfere substantially with the Comprehensive Plan because: Its an approved use in the area since 1979

**WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, June 9th, 2015, at 7:00p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition(s) _____ #, filed by **Jeff Kelich** on behalf of **Pettijohn & Banks, INC.** The request pertains to real estate comprising approximately 4 acres and generally located at **14939 Ditch Road, Washington Township, Westfield, Indiana.**

The request is for approval of a **Variance of Use** to allow a commercial landscape business.

Specific details regarding this request, including the applications, file, and property legal descriptions, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:

Jeff Kelich

25710 Devaney Rd, Arcadia, IN. 46030

(317) 710-3927

REPRESENTATIVE:

Pettijohn & Banks INC

14939 Ditch Road, Westfield, IN. 46074

(317) 873-8686

CITY OF WESTFIELD:

Economic and Community Development Department

2728 East 171st Street

Westfield, IN. 46074

Telephone: (317) 804-3170

www.westfield.in.us

7417 WARRA DEED BOOK 312 796

THIS INDENTURE WITNESSETH, That Stanley E. Banks & Patricia B. Banks, his wife and Joseph E. Pettijohn & Beverly I. Pettijohn, his wife of Hamilton County, in the State of Indiana, CONVEY AND WARRANT to Pettijohn & Banks, Inc.

of Hamilton County, in the State of Indiana, for the sum of One Dollars (\$ 1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

Tract 2F: A part of the Northwest quarter of the Southwest quarter of Section 15, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, more particularly described as follows: Beginning at a point on the West line of the Southwest quarter of Section 15, Township 18 North, Range 3 East, said point being S 00 degrees 10 minutes 33 seconds E 608.04 feet from the Northwest corner thereof; thence N 88 degrees 43 minutes 27 seconds E 655.04 feet, thence S 00 degrees 09 minutes 40 seconds E 241.61 feet, thence S 00 degrees 13 minutes 33 seconds E 24.45 feet, thence S 88 degrees 43 minutes 27 seconds W 655.00 feet to a point on the West line of said quarter, thence N 00 degrees 10 minutes 33 seconds W on and along said West line 266.06 feet to the place of beginning and containing 4.000 acres, subject to all legal easements and rights of way of record.

This document referred to in Document No. 2008043766 8/2/08

This document referred to in Document No. 200132157 5-18-88

Instrument Recorded June 12 1979 MARY L. CLARK, RECORDER, HAMILTON COUNTY, IND.

RECEIVED

MAY 17 2 43 PM '79 MARY L. CLARK RECORDER HAMILTON CO., IND.

This document referred to in Document No. 200102025813 58.01

DULY ENTERED FOR TAXATION

12 day June 1979 Barbara J. Jennings Auditor Hamilton County

IN WITNESS WHEREOF, Grantor has executed this deed this 6 day of JUNE, 1979.

Signature Stanley E. Banks (SEAL) Patricia B. Banks STATE OF INDIANA COUNTY OF

Signature Joseph E. Pettijohn (SEAL) Beverly I. Pettijohn

SS:

Before me, a Notary Public in and for said County and State, personally appeared

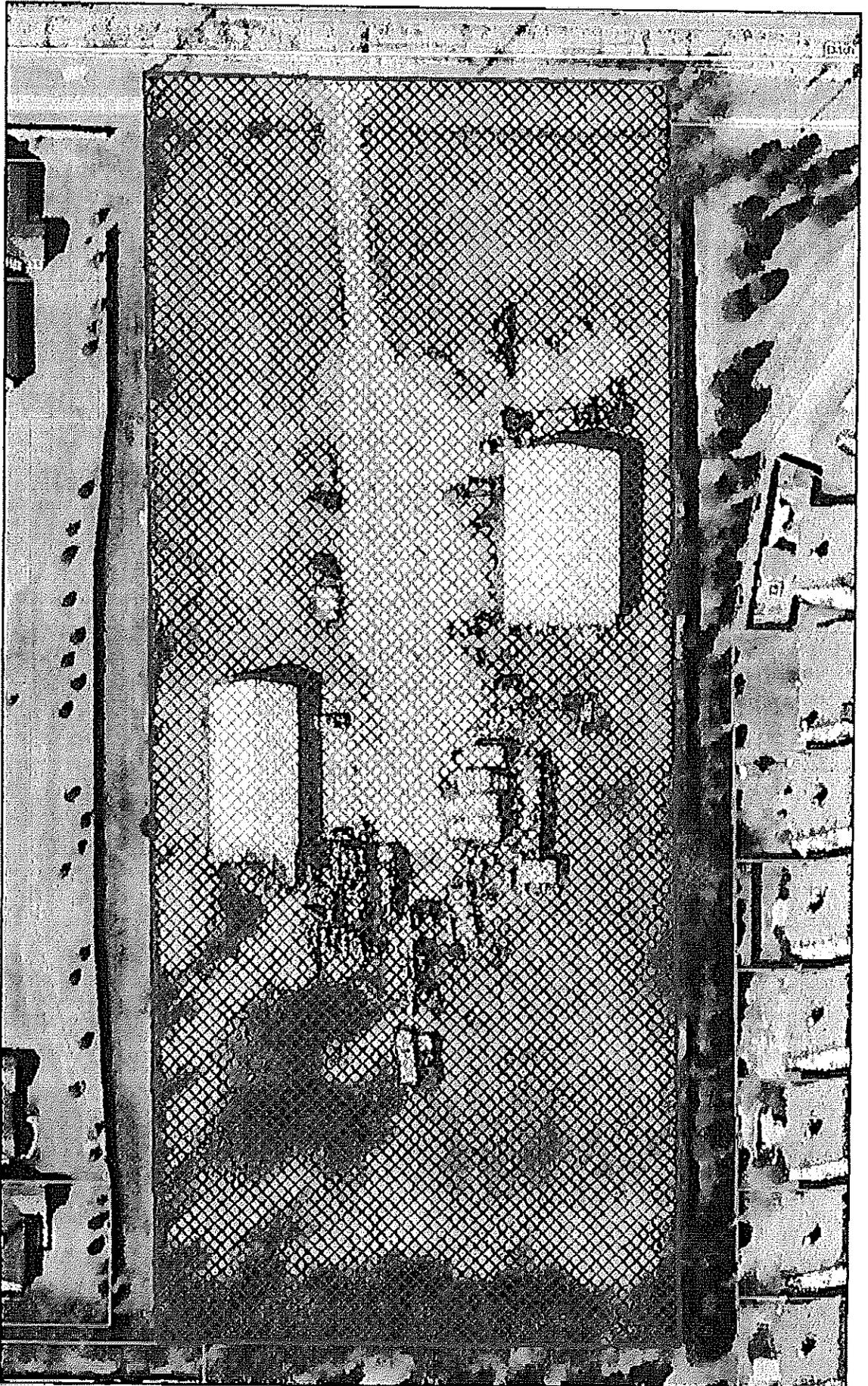
Stanley E. Banks, Patricia B. Banks, Joseph E. Pettijohn & Beverly I. Pettijohn who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that the representations therein contained are true.



Signature Donald R. Peyton Notary Public

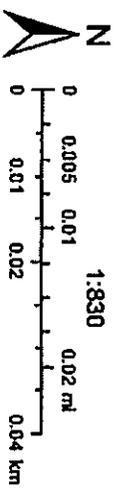
This instrument was prepared by Donald R. Peyton, attorney at law.

14939 Ditch Road

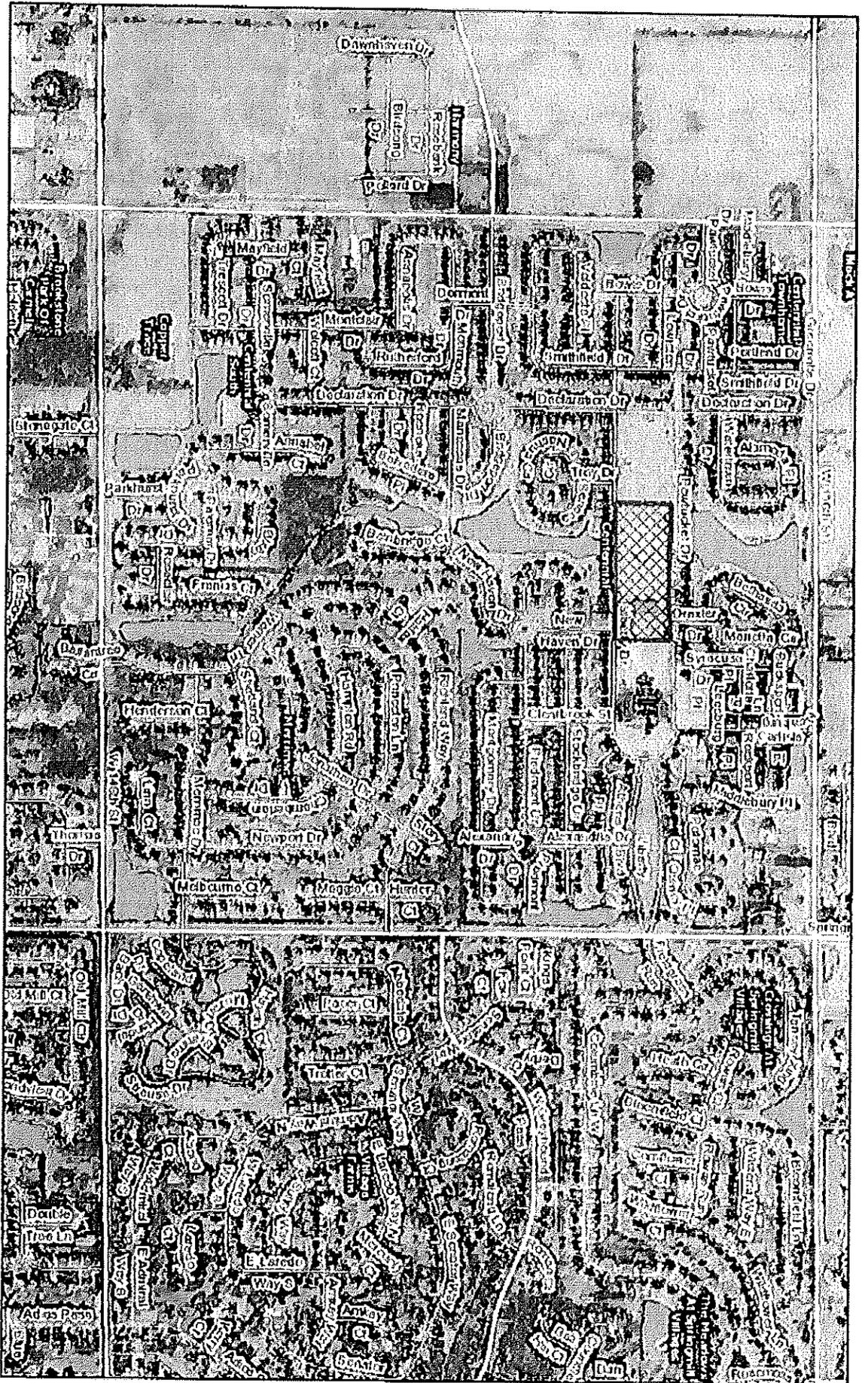


March 16, 2015

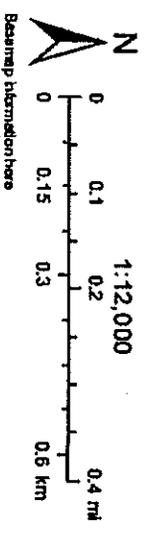
Parcels



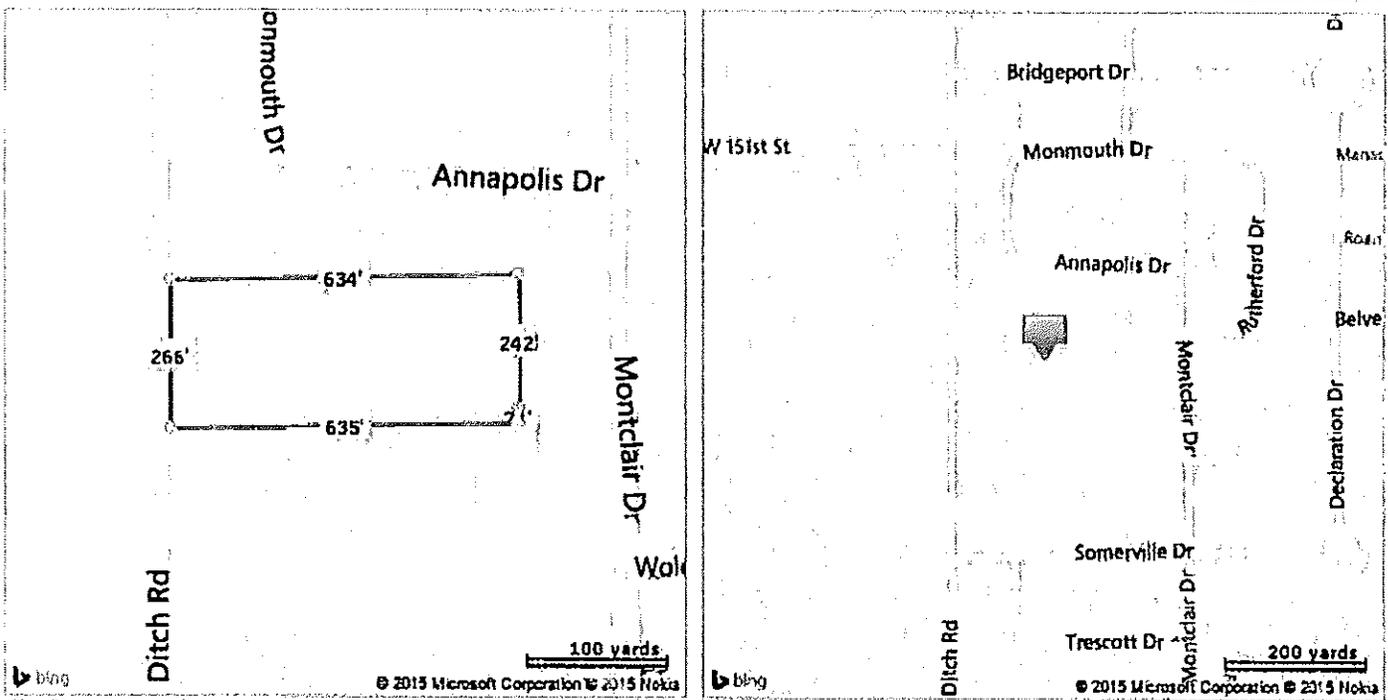
14939 Ditch Road



March 16, 2015



Property Map



*Lot Dimensions are Estimated

Building 1 of 2

Characteristics

| | | | |
|-----------------------|-----------------------------|----------------------------|-------|
| Lot Acres: | 4 | Year Built: | 1980 |
| Lot Sq Ft: | 174,240 | Stories: | 1 |
| Land Use - County: | Other Commercial Structures | Finished Bldg Sq Ft: | 4,992 |
| Land Use - CoreLogic: | Shopping Center | Total Building Sq Ft: | 9,024 |
| Building Type: | Shops | Total Adjusted Bldg Sq Ft: | 4,992 |

Features

| Feature Type | Unit | Size/Qty | Year Built |
|----------------------|------|----------|------------|
| Small Shop | | | 1980 |
| Mezzanine | S | 832 | |
| Fencing - Chain Link | S | 240 | 1980 |
| Small Shop | | | 1976 |
| Lean-To | S | 360 | 1976 |
| Mezzanine | S | 672 | |

Building 2 of 2

Characteristics

| | | | |
|-----------------------|-----------------------------|----------------------------|-------|
| Lot Acres: | 4 | Stories: | 1 |
| Lot Sq Ft: | 174,240 | Finished Bldg Sq Ft: | 4,032 |
| Land Use - County: | Other Commercial Structures | Total Building Sq Ft: | 9,024 |
| Land Use - CoreLogic: | Shopping Center | Total Adjusted Bldg Sq Ft: | 4,032 |
| Year Built: | 1976 | | |

The data within this report is compiled by CoreLogic from public and private sources. If needed, the accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipal entity.